

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	<b>ORDER OF SUSPENSION</b>
	)	<b>(BREACH OF CONTRACT)</b>
Dana L. Smith	)	
	)	
Certificate 217394	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on Wednesday, May 11, 2005. On April 12, 2005, the Office of Teacher Certification sent Dana L. Smith a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. Ms. Smith received the notice, as evidenced by the signed postal receipt bearing her signature. Ms. Smith wrote to the Department of Education on May 2, 2005, stating that she did not wish to request a hearing. After considering the evidence presented, the State Board voted to suspend Ms. Smith's certificate for one year.

**FINDINGS OF FACT**

Ms. Smith holds a valid certificate and has three years of teaching experience. Ms. Smith was under contract with the Greenville County School District for the 2004-05 school year, assigned as an English teacher to Mauldin High School. On January 18, 2005, Ms. Smith notified her Principal that her last day of employment would be January 28, 2005, and that she was resigning because she was unable to balance her teaching position and a family. On February 16, 2005, the District notified Ms. Smith that her resignation was not in compliance with District policy. On March 22, 2005, the District Board of Trustees voted to request suspension of Ms. Smith's certificate as a result of her breach of contract.

### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is sufficient evidence supporting its conclusion that Ms. Smith breached her contract with Greenville County School District, warranting the suspension of Ms. Smith's certificate 217394 for a period of one year, from May 11, 2005, through May 10, 2006. Should Ms. Smith wish to have her certificate reinstated at the end of the suspension period, she may make a written request for reinstatement to the Office of Teacher Certification.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina  
May 11, 2005